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Superior Court of California
County of Los Angeles

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

CHRISTIAN A. RODRIGUEZ, also known as
CHRISTIAN ALBERTO RODRIGUEZ, an
individual; JOSE MANUEL RODRIGUEZ, also
known as JOSE RODRIGUEZ, an individual;
EDGAR ALEXANDER RODRIGUEZ, also known
as EDGAR RODRIGUEZ, an individual; and DOES
1 through 75, inclusive,

Defendants.

Case No.:

BC 7 24865

**COMPLAINT FOR ABATEMENT AND
INJUNCTION, EQUITABLE RELIEF,
AND CIVIL PENALTIES**

[Health and Safety Code section 11570,
et seq.; Civil Code section 3479, *et seq.*;
Business and Professions Code section
17200, *et seq.*]

(Unlimited Action)

1 PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

2 **I. INTRODUCTION**

3 1. This action ("Action") is brought and prosecuted by Plaintiff, the People of
4 the State of California, for the purpose of abating an increasingly dangerous and violent,
5 narcotics and gang-related public nuisance that exists at a quadraplex located at 306-
6 308 S. Bonnie Brae Street in the Westlake neighborhood of Los Angeles ("Property").
7 The Action is brought pursuant to the Narcotics Abatement Law ("NAL"), California
8 Health and Safety Code section 11570, *et seq.*; the Public Nuisance Law ("NAL"), Civil
9 Code section 3479 *et seq.*; and the Unfair Competition Law ("UCL"), Business and
10 Professions Code section 17200, *et seq.*

11 2. For over four years, the Property has been a hub of gang related violence
12 with at least SEVEN documented shootings and ongoing narcotics sales. In addition to
13 multiple shootings and narcotics, the Los Angeles Police Department ("LAPD") has also
14 documented—among other crimes at the Property—an assault with a deadly weapon,
15 gun brandishing and the recovery of illegal weapons and ammunition perpetrated by
16 members and associates of the notorious 18th Street criminal street gang ("18th Street").
17 In the last few weeks, there were three gang-related shootings at the Property and a
18 fourth incident where an apparent gang member brandished a gun at Property
19 residents. Thus, the Property, in the LAPD's Rampart Division, has assumed a
20 perilously symbolic role as a "bullet magnet" in the neighborhood. The escalating
21 violence and danger is particularly alarming since the Property is immediately adjacent
22 to 3rd and Bonnie Brae Streets, a large intersection and major thoroughfare for young
23 children and their parents who walk through that intersection on a daily basis on their
24 way to and from Union Avenue Elementary School, which is two and a half blocks away
25 from the Property; for area residents patronizing the largest supermarket in the
26 surrounding neighborhood; or for area residents waiting for a bus at one of the two bus
27 stops at that intersection.

28 3. The following is a summary of the latest narcotics violations and incidents

1 of violence involving the Property, all of which occurred in the last three months:

- 2 • The week of September 23, 2018, an LAPD informant on the corner
3 of 3rd and Bonnie Brae Streets approached a male and asked him to buy
4 narcotics. The male then walked to the Property, retrieved narcotics,
5 exited the Property from a North unit, and returned to the intersection
6 where he sold methamphetamine to the LAPD informant.
- 7 • Similarly, the week of September 17, 2018, an LAPD informant at
8 the intersection of 3rd and Bonnie Brae Streets approached a male and
9 asked him for narcotics. The male then walked to the Property, retrieved
10 narcotics, exited the Property from the South unit, and returned to the
11 intersection where he sold methamphetamine to the LAPD informant.
- 12 • On July 28, 2018, Defendant EDGAR ALEXANDER RODRIGUEZ
13 and his father were on the Property's front porch when an SUV pulled up.
14 One suspect exited the SUV and repeatedly beat, with a blunt object, the
15 hood of a mini-van, belonging to a relative of the Rodriguez family.
16 Meanwhile, a second suspect remained in the SUV brandishing a gun
17 while the first suspect repeatedly pummeled the hood of the mini-van. As
18 he pounded the mini-van, the first suspect gestured gang signs and yelled
19 "18, 18, Red Shield Boys".
- 20 • On July 14, 2018, Defendants CHRISTIAN A. RODRIGUEZ and
21 EDGAR ALEXANDER RODRIGUEZ confronted three 18th Street gang
22 members at a liquor store next to the Property on 3rd and Bonnie Brae
23 Streets. After the dispute escalated, Defendant EDGAR ALEXANDER
24 RODRIGUEZ ran from the liquor store to the Property where he retrieved
25 a gun and returned to the liquor store with the gun and two individuals.
26 Then, the three 18th Street gang members drove off in a truck, but a
27 couple of minutes later, they drove up to the Property with three to four
28 additional males, also believed to be 18th Street members or associates.

1 Stopping in front of the Property, the group of 18th Street members (or
2 associates) jumped out of the truck and two of them proceeded to smash
3 the windows of Defendant EDGAR ALEXANDER'S vehicle, which was
4 parked in the Property's driveway, with a metal crowbars. Defendant
5 CHRISTIAN A. RODRIGUEZ then began firing his gun at the 18th Street
6 members, resulting in one individual being shot.

7 • On July 4, 2018, Property owner Defendant CHRISTIAN A.
8 RODRIGUEZ and other family members and residents of the Property
9 were outside the Property watching fireworks when they heard someone
10 yell "Fuck Faketeens" (a derogatory name for 18th Street). Then a black
11 car pulled up near the Property and the passenger fired multiple shots at
12 the Property. A few minutes later, a gray car drove by the Property and
13 the passenger of that car also shot multiple times at the Property and its
14 occupants, including a young child.

15 4. The Property is occupied by the Property's owner, Defendant CHRISTIAN
16 A. RODRIGUEZ (also known as CHRISTIAN ALBERTO RODRIGUEZ) and his family,
17 including his parents and brothers, Defendant EDGAR ALEXANDER RODRIGUEZ
18 (also known as EDGAR RODRIGUEZ), and Defendant JOSE MANUEL RODRIGUEZ
19 (also known as JOSE RODRIGUEZ) a documented and active 18th Street gang
20 member from the Columbia Little Cycos clique with the moniker "Danger." 18th Street is
21 one of the largest transnational criminal gangs in Los Angeles and is also allied with the
22 Mexican Mafia. It is a multigenerational predominantly Hispanic/Latino criminal street
23 gang responsible for robberies (street and business), narcotics sales, weapons
24 violations, shootings, attempted murders, drive-by and walk-up shootings, witness
25 intimidation, carjacking, vandalism, and murder. The recurring incidents of violence at
26 the Property involve 18th Street members, and appear to be the result of an internal
27 dispute between Defendant JOSE MANUEL RODRIGUEZ and other 18th Street gang
28 members. LAPD officers investigating the shootings at the Property have asked

1 Defendants and others family members residing there for information about the
2 shootings, and while they acknowledge 18th Street gang's involvement as the
3 perpetrators, they minimize their own involvement in the violence and limit the
4 information they share to assist law enforcement efforts. In recent months, the violence
5 at the Property has intensified, and now Defendants CHRISTIAN A. RODRIGUEZ and
6 EDGAR ALEXANDER RODRIGUEZ have also become a part of the ongoing feud with
7 18th Street.

8 5. Plaintiff is informed and believes that Defendants and/or other family
9 members at the Property operate a business selling used vehicles and often repair
10 vehicles in front of or near the Property. Their frequent physical presence outside of the
11 Property often leads to verbal altercations with 18th Street gang members, which has
12 escalated to violence. Additionally, Defendant CHRISTIAN A. RODRIGUEZ, as the
13 Property's owner, also rents a portion of the Property to tenants on a month-to-month
14 basis. One such tenant was arrested at the Property last year for possession of a large
15 amount of methamphetamine while armed with a loaded shotgun. Despite this arrest,
16 the Property continues to be a "stash house" with methamphetamine readily available
17 for sale there.

18 6. The narcotics sales, the numerous gang shootings and other violent crime
19 occurring or emanating from the Property are injurious to the health and safety of the
20 surrounding community. Two people have already been shot at the Property and a third
21 person was shot in front of the Property by the Property's owner, Defendant
22 CHRISTIAN A. RODRIGUEZ. It is only a matter of time before an innocent bystander is
23 killed by the bullets flying between 18th Street members and the Property's inhabitants.
24 The People bring this Action to obtain an injunction and other relief that will prevent the
25 distribution of narcotics at the Property and require Defendants to take steps to stop the
26 public nuisance and protect the health and safety of the surrounding community.

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28 ///

1 **II. THE PARTIES AND THE PROPERTY**

2 **A. Plaintiff**

3 7. Plaintiff, the People, is the sovereign power of the State of California
4 authorized in California Code of Civil Procedure section 731 to bring actions to abate
5 public nuisances pursuant to the Public Nuisance Law ("PNL"), California Code sections
6 3479-3480. In addition, because the City of Los Angeles has a population in excess of
7 750,000, California Business and Professions Code section 17204 authorizes Plaintiff,
8 the People, to prosecute actions for unfair competition pursuant to the Unfair
9 Competition Law ("UCL"), California Business and Professions Code section 17200, *et*
10 *seq.*

11 **B. Defendants**

12 8. Defendant CHRISTIAN A. RODRIGUEZ (also known as CHRISTIAN
13 ALBERTO RODRIGUEZ) has been the title owner of the Property since December 24,
14 2013. Prior to that date, from February 17, 2006 until December 23, 2013, title to the
15 Property was held by Defendant CHRISTIAN A. RODRIGUEZ'S mother, Sylvia G.
16 Rodriguez (also known as Silvia G. Rodriguez). Prior to that date, from May 7, 1999
17 until February 16, 2006, title to the Property was held by Defendant CHRISTIAN A.
18 RODRIGUEZ'S parents, Silvia G. Rodriguez (also known as Silvia G. Rodriguez) and
19 Jose Rodriguez.

20 9. Defendant JOSE MANUEL RODRIGUEZ (also know as JOSE
21 RODRIGUEZ) is the 30 year-old brother of Defendant CHRISTIAN A. RODRIGUEZ.
22 Defendant JOSE MANUEL RODRIGUEZ is a self admitted 18th Street gang member
23 who uses the moniker "Danger." Defendant JOSE MANUEL RODRIGUEZ has several
24 18th Street gang tattoos, showing his allegiance to the 18th Street gang. These include
25 "666" on the front of his neck and a Mayan numeral 18 on his left check. Defendant
26 JOSE MANUEL RODRIGUEZ also has an extensive criminal background, which
27 includes convictions for assault with a deadly weapon, robbery, operating a "chop shop"
28 (i.e., stealing vehicles and stripping them for parts) at the Property, receiving stolen

1 property, possession of burglary tools, obstructing a police officer, vandalism and
2 several narcotics violations. Defendant JOSE MANUEL RODRIGUEZ, who is currently
3 incarcerated but in and out of custody, resides at, and otherwise frequents, the
4 Property, when he is not incarcerated.

5 10. Defendant EDGAR ALEXANDER RODRIGUEZ (also known as EDGAR
6 RODRIGUEZ) is the 19-year old brother of Defendant CHRISTIAN A. RODRIGUEZ.
7 Defendant EDGAR ALEXANDER RODRIGUEZ, who has previously been observed by
8 law enforcement officers hanging out with 18th Street gang members and throwing
9 gang signs; he also recently escalated a dispute with 18th Street gang members by
10 retrieving a gun from the Property and taking it to the liquor store next door. Ultimately,
11 that disputed continued in front of the Property and ended with Defendant CHRISTIAN
12 A. RODRIGUEZ shooting an individual in front of the Property. Defendant EDGAR
13 ALEXANDER RODRIGUEZ resides at, and otherwise frequents, the Property.

14 11. The true names and capacities of Defendants sued herein as DOES 1
15 through 75, inclusive, are unknown to Plaintiff, who therefore sues said Defendants by
16 such fictitious names. When the true names and capacities of said Defendants have
17 been ascertained, Plaintiff will ask leave of the Court to amend this Complaint and to
18 insert in lieu of such fictitious names the true names and capacities of said fictitiously
19 named Defendants.

20 **C. The Property**

21 12. The Property is located at the commonly-known address of 306-308 S.
22 Bonnie Brae Street, Los Angeles, California 90057, in the Westlake neighborhood of
23 Los Angeles. The Property's legal description is, "Lot 7 of Block E of the Sunset Track
24 as per Map recorded in Book 11, Page 41 of Maps in the Office of the County Recorder
25 of the Los Angeles County, California. Also Known As: 306 South Bonnie Brae Street,
26 Los Angeles, CA 90057. A.P.N. [Assessor's Parcel Number] # 5154-022-006."

27 13. The Property consists of a two-story quadraplex situated on the east side
28 of Bonnie Brae Street, just south of 3rd Street. The building contains four units

1 individually addressed from 306 to 308. Immediately to the north of the Property is 3rd
2 and Bonnie Brae Streets, a large intersection, which is a major thoroughfare for the
3 surrounding neighborhood, including children walking to Union Avenue Elementary
4 School, which is 640 feet away from the Property. To the south, the Property is
5 adjacent to a residential neighborhood.

6 **III. THE NARCOTICS ABATEMENT LAW**

7 14. The abatement of a nuisance is a long established and well-recognized
8 exercise of the state's police power. (*People v. Barbieri* (1917) 33 Cal.App. 770, 775;
9 *People ex rel. Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Since its
10 enactment in 1972, the principal purpose of the Narcotics Abatement Act (Health &
11 Safety Code, § 11570, *et seq.*) is the abatement of buildings and places "used for the
12 purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away
13 any controlled substance, precursor, or analog specified in this division" (Health &
14 Safety Code, § 11570).

15 15. The Narcotics Abatement Law provides that every building or place used
16 for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving
17 away any controlled substance, precursor, or analog *inter alia*, "is a nuisance which
18 **shall** be enjoined, abated, and prevented . . . whether it is a public or private nuisance."
19 (Health & Safety Code, § 11570 [emphasis added].)

20 16. Health and Safety Code section 11571, authorizes a city attorney to bring
21 an action to abate, prevent and perpetually enjoin such nuisances. It provides in
22 relevant part: "Whenever there is reason to believe that a nuisance as described in
23 Section 11570, is kept, maintained, or exists in any county, the district attorney of the
24 county, or the city attorney of any incorporated city or of any city and county, in the
25 name of the people, may . . . maintain an action to abate and prevent the nuisance and
26 perpetually to enjoin the person conducting or maintaining it, and the owner, lessee, or
27 agent of the building or place in or upon which the nuisance exists from directly or
28 indirectly maintaining or permitting the nuisance."

1 17. Health and Safety Code section 11573(a) provides that: "If the existence
2 of the nuisance is shown in the action to the satisfaction of the court or judge, either by
3 verified complaint or affidavit, the court or judge **shall** allow a temporary restraining
4 order or injunction to abate and prevent the continuance or recurrence of the nuisance."
5 (Emphasis added.) In addition, Health and Safety Code section 11581 provides, as an
6 additional remedy, for the removal and sale of all fixtures and movable property on the
7 premises used in aiding or abetting the nuisance and for the closure of the building for
8 up to one year.

9 IV. THE PUBLIC NUISANCE LAW

10 18. "Abatement of nuisances is a long established and well recognized
11 exercise of the state's police power." (*People ex rel. Hicks v. Sarong Gals* (1974) 42
12 Cal.App.3d 556, 563; *People ex rel. Bradford v. Barbieri* (1917) 33 Cal.App. 770, 775-
13 778.) Civil Code section 3479 defines a nuisance as "[a]nything which is injurious to
14 health, including, but not limited to, the illegal sale of controlled substances, or is
15 indecent or offensive to the senses, or an obstruction to the free use of property, so as
16 to interfere with the comfortable enjoyment of life or property" (*Bakersfield v.*
17 *Miller* (1966) 64 Cal.2d 93, 99 ["The Legislature has defined in general terms the word
18 'nuisance' in Civil Code section 3479"].)

19 19. Civil Code section 3480 defines a public nuisance as "one which affects at
20 the same time an entire community or neighborhood, or any considerable number of
21 persons, although the extent of the annoyance or damage inflicted upon individuals may
22 be unequal."

23 20. The case law is "replete with examples" of "the threat violent street gangs
24 and associated illicit drug dealing pose to the safety of peaceful Californians"
25 (*Castaneda v. Olsher* (2007) 41 Cal.4th 1205, 1216.) The California Supreme Court has
26 explicitly recognized that "[s]treet gang activity can often subject residents . . . to
27 unacceptable levels of fear and risk." (*Ibid.*) In *Medina v. Hillshore Partners* (1995) 40
28 Cal.App.4th 477, 486, involving a wrongful death claim by the mother of a young man

1 shot by gang members at an apartment complex, the court said, "We agree that the
2 congregation of gangs poses a foreseeable risk of harm to the public." In particular, the
3 whole spectrum of typical street gang conduct, ranging from loitering, to public drinking
4 and boisterousness, to drug dealing, to gunfire, has been held to "easily meet the
5 statutory standard" for a public nuisance under the PNL. (*People ex rel. Gallo v.*
6 *Acuna* (1997) 14 Cal.4th 1090, 1120.)

7 21. Under Civil Code section 3491, "The remedies against a public nuisance
8 are: 1. Indictment or information; 2. A civil action; or, 3. Abatement." "An abatement of a
9 nuisance is accomplished by a court of equity by means of an injunction proper and
10 suitable to the facts of each case." (*Sullivan v. Royer* (1887) 72 Cal. 248, 249.)

11 22. Code of Civil Procedure section 731 authorizes a city attorney to bring an
12 action to enjoin or abate a public nuisance. It provides, in pertinent part, "A civil action
13 may be brought in the name of the people of the State of California to abate a public
14 nuisance . . . by the city attorney of any town or city in which the nuisance exists." (*Ibid.*)

15 V. UNFAIR COMPETITION LAW

16 23. The UCL (Business and Professions Code section 17200 *et seq.*), forbids
17 any business practices otherwise forbidden by law, be it criminal, federal, state,
18 municipal, statutory, regulatory, or court-made. As the California Supreme Court put it,
19 Business and Professions Code section 17200 ("Section 17200"), borrows violations of
20 other laws and treats them as unlawful practices independently actionable under
21 Business and Professions Code section 17200, *et seq.* (*South Bay Chevrolet v.*
22 *General Motors Acceptance Corp.* (1999) 72 Cal.App.4th 861, 880 (internal citations
23 and quotation marks omitted).)

24 24. As proscribed by the UCL, "[a]n 'unlawful business activity' includes .
25 anything that can properly be called a business practice and that at the same time is
26 forbidden by law." (*People v. McKale* (1979) 25 Cal.3d 626, 632.) Although no case
27 has specifically been called upon to define the term "business" in Section 17200, the
28 courts have frequently given a broad reading to the provisions of the UCL so as to affect

1 its broad remedial purposes. (See, e.g., *Barquis v. Merchants Collection Ass'n* (1972)
2 7 Cal.3d 94, 111-113.) For instance, an enterprise engaged entirely in criminal conduct
3 is a business for purposes of Section 17200. (*People v. EWAP, Inc.* (1980) 106
4 Cal.App.3d 315, 320-321.) Moreover, recent amendments to Section 17200 make clear
5 that even a one-time act of misconduct can constitute a violation of the UCL. (*Klein v.*
6 *Earth Elements, Inc.* (1997) 59 Cal.App.4th 965, 969.)

7 25. Further, the UCL casts a broad net. "Any person performing or proposing
8 to perform an act of unfair competition may be enjoined . . ." (Bus. & Prof. Code, §
9 17203.) The term person includes "natural persons, corporations, firms, partnerships,
10 joint stock companies, associations and other organizations of persons." (Bus. & Prof.
11 Code, § 17201.) The courts have expanded Section 17200's net beyond direct liability
12 to include common law doctrines of secondary liability where the liability of each
13 defendant is predicated on his or her personal participation in the unlawful practices.
14 (*People v. Toomey* (1985) 157 Cal.App.3d 1, 14; *Emery v. Visa Int'l Service Ass'n*
15 (2002) 95 Cal.App.4th 952, 960.)

16 26. Civil actions under Section 17200, *et seq.*, may be brought in the name of
17 the People of the State of California by any city attorney of a city having a population in
18 excess of 750,000 (Bus. & Profs. Code, § 17204), such as the City of Los Angeles. A
19 public entity can sue pursuant to Section 17200 based on violations of its own municipal
20 code, state law, or other local ordinance. (*People v. Thomas Shelton Powers, M.D.,*
21 *Inc.* (1992) 2 Cal.App.4th 330, 338-339.)

22 27. Parties engaging in violations of the UCL may be enjoined in any court of
23 competent jurisdiction. (Bus. & Profs. Code, § 17203.) A court may make such orders
24 or judgments, including appointment of a receiver, as may be necessary to prevent the
25 use or employment by any person of any practice constituting unfair competition. (*Id.*)

26 28. The ownership and operation of a rental property, such as the Property,
27 for the purposes of profit, is, axiomatically, a business under the UCL. (*People ex rel.*
28 *City of Santa Monica v. Gabriel* (2010) 186 Cal.App.4th 882, 888 ["The renting of

1 residential housing is a business”]; see also *Clark v. City of San Pablo* (1969) 270
2 Cal.App.2d 121, 125-126.) Thus, when a property owner conducts, maintains, or
3 permits a nuisance that is unlawful under the PNL to exist on the premises of such a
4 business, it is a violation of the UCL. (See *City and County of San Francisco v.*
5 *Sainez* (2000) 77 Cal.App.4th 1302, 1305-1308 [affirming UCL penalties for building
6 code violations at multi-unit rental property].)

7 **VI. FIRST CAUSE OF ACTION FOR NARCOTICS ABATEMENT**

8 **[Health and Safety Code Section 11570, et seq. --**

9 **Against Defendant CHRISTIAN A. RODRIGUEZ and DOES 1 through 25]**

10 29. Plaintiff hereby incorporates by reference paragraphs 1 through 28 of this
11 Complaint and makes them part of the First Cause of Action, as if fully set forth herein.

12 30. The Property has been, from an exact date unknown, but at least since
13 July 2015, until the present time, used for the purposes of unlawfully selling, serving,
14 storing, keeping, manufacturing or giving away controlled substances in violation of
15 Health and Safety Code section 11570, et seq.

16 31. Defendant CHRISTIAN A. RODRIGUEZ and DOES 1 through 25 are
17 responsible for conducting, maintaining, and/or directly or indirectly permitting the
18 nuisance as alleged herein.

19 32. Plaintiff has no plain, speedy and adequate remedy at law, and unless
20 Defendant CHRISTIAN A. RODRIGUEZ and DOES 1 through 25, are restrained and
21 enjoined by order of this Court, they will continue to use, occupy and maintain, and/or
22 aid, abet or permit, directly or indirectly, the use, occupation and maintenance of the
23 Property, together with the fixtures and appurtenances located therein, for the nuisance
24 complained of herein, to the great and irreparable damage of the public and in violation
25 of California law.

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1 **VII. SECOND CAUSE OF ACTION FOR PUBLIC NUISANCE**

2 **[Civil Code Section 3479, et seq. --**

3 **Against All Defendants and DOES 26 through 50]**

4 33. Plaintiff incorporates Paragraphs 1 through 32 above as if fully alleged
5 herein.

6 34. From an exact date unknown, but at least since May 2014, and through
7 the present time, Defendants and DOES 26 through 50 have owned, operated,
8 managed, and used, and/or directly or indirectly permitted to be occupied and used, the
9 Property in such a manner as to constitute a public nuisance in accordance with Civil
10 Code sections 3479 and 3480. The public nuisance, as described herein, is injurious to
11 health, indecent or offensive to the senses, and/or an obstruction to the free use of
12 property, so as to substantially and unreasonably interfere with the comfortable
13 enjoyment of life or property by those persons living on the Property and in the
14 surrounding community. The public nuisance consists of, but is not limited to, narcotics
15 activity on the Property; the regular, menacing, intimidating, violent, and disorderly
16 presence of resident and non-resident gang members and/or associates at the
17 Property; the occurrence of gunfire on the Property, including gunfire that has resulted
18 in injury to persons on and around the Property; the occurrence of other violent crimes
19 on the Property; and the tendency of the Property to attract gunfire because of the
20 historical and current presence of gang members at the Property.

21 35. Defendants, who own, occupy and/or control the Property, and DOES 26
22 through 50, knew or should have known about the nuisance activity at the Property and
23 failed to take reasonable steps to prevent or abate the ongoing nuisance, and as a
24 result of this failure and their mismanagement of the Property, they have caused and/or
25 contributed to a serious threat to the general health, safety, and welfare of the law-
26 abiding tenants at the Property and persons in the surrounding community.

27 36. Unless Defendants, and DOES 26 through 50, are restrained and enjoined
28 by order of this Court, they will continue to use, occupy, and maintain, and to aid, abet,

1 or permit, directly or indirectly, the use, occupation, and maintenance of the Property,
2 together with the fixtures and appurtenances located therein, for the purpose
3 complained of herein, to the great and irreparable damage of Plaintiff and in violation of
4 California law.

5 **VIII. THIRD CAUSE OF ACTION FOR UNFAIR COMPETITION**

6 **[Business and Professions Code Section 17200, et seq. --**

7 **Against Defendant CHRISTIAN A. RODRIGUEZ and DOES 51 through 75]**

8 37. Plaintiff incorporates herein by reference paragraphs 1 through 36 of this
9 Complaint, as though fully set forth herein.

10 38. Ownership and operation of the Property as a rental property is a
11 business. When the owner of such a business violates the NAL and/or the PNL such
12 that a nuisance exists and flourishes at the business's premises, as alleged herein, it is
13 also a violation of the UCL.

14 39. Defendant CHRISTIAN A. RODRIGUEZ and DOES 51 through 75 have
15 violated the UCL by conducting, maintaining, and/or permitting, directly or indirectly, a
16 nuisance in violation of the NAL and/or the PNL at the Property, as alleged herein.

17 40. Plaintiff has no adequate remedy at law, and unless Defendant
18 CHRISTIAN A. RODRIGUEZ and DOES 51 through 75 are restrained by this Court they
19 will continue to commit unlawful business practices or acts, thereby causing irreparable
20 injury and harm to the public's welfare.

21 **PRAYER**

22 **WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE,**
23 **AND DECREE AS FOLLOWS:**

24 **AS TO THE FIRST CAUSE OF ACTION**

25 1. That Defendant CHRISTIAN A. RODRIGUEZ (also known as CHRISTIAN
26 ALBERTO RODRIGUEZ) and DOES 1 through 25, and the Property, be declared in
27 violation of Health and Safety Code section 11570, et seq.

28 2. That the Property, together with the fixtures and moveable property therein

1 and thereon, be found to constitute a public nuisance and be permanently abated as
2 such in accordance with Section 11581 of the California Health and Safety Code.

3 3. That the Court grant a preliminary injunction, permanent injunction and
4 order of abatement in accordance with Section 11570, *et seq.* of the California Health
5 and Safety Code, enjoining and restraining Defendant CHRISTIAN A. RODRIGUEZ
6 (also known as CHRISTIAN ALBERTO RODRIGUEZ) and DOES 1 through 25 and
7 their agents, officers, employees and anyone acting on their behalf, from unlawfully
8 selling, serving, storing, keeping, manufacturing, or giving away controlled substances
9 on the Property.

10 4. That the court order physical and managerial improvements to the Property
11 in accordance with Health and Safety Code section 11573.5, and such orders as are
12 otherwise appropriate, to remedy the nuisance on the Property and enhance the
13 abatement process, including but not limited to, the following: installing and maintaining
14 a video security system accessible by LAPD via the internet; improving lighting;
15 installing and maintaining a gate securing the driveway; implementing screening and
16 application procedures for tenants; using written leases and house rules for tenants;
17 prohibiting residents of the Property or their guests from operating any unlicensed or
18 unpermitted business at the Property; and that Defendants and all adult Rodriguez
19 family members permanently stay 1000 feet away from the Property.

20 5. That as part of the Judgment, an Order of Abatement be issued, and that
21 the Property be closed for a period of one year, not to be used for any purpose, and be
22 under the control and custody of this Court for said period of time; or, in the alternative,
23 if the Court deems such closure to be unduly harmful to the community, that Defendant
24 CHRISTIAN A. RODRIGUEZ (also known as CHRISTIAN ALBERTO RODRIGUEZ)
25 and DOES 1 through 25, pay an amount equal to the fair market rental value of the
26 Property for one year to the City or County in whose jurisdiction the nuisance is located
27 in accordance with Health and Safety Code section 11581 subdivision (c)(1).

28 6. That Defendant CHRISTIAN A. RODRIGUEZ (also known as CHRISTIAN

1 ALBERTO RODRIGUEZ) and DOES 1 through 25 each be assessed a civil penalty in
2 an amount not to exceed twenty-five thousand dollars (\$25,000.00).

3 7. That all fixtures and moveable property used in conducting, maintaining,
4 aiding or abetting the nuisance at the Property be removed by the LAPD and sold in the
5 manner provided for the sale of chattels under execution. Said fixtures and property
6 shall be inventoried and a list prepared and filed with this court.

7 8. That there shall be excepted from said sale, such property to which title is
8 established in some third party not a defendant, nor agent, officer, employee or servant
9 of any defendant in this proceeding.

10 9. That the proceeds from said sale be deposited with this court for payment
11 of the fees and costs of sale. Such costs may occur in closing said Property and
12 keeping it closed, removal of said property, and Plaintiff's costs in the action, including
13 attorneys' fees, and such other costs as the court shall deem proper.

14 10. That if the proceeds of the sale do not fully discharge all such costs, fees
15 and allowances, the Property shall also be sold under execution issued upon the order
16 of the court or judge and the proceeds of such sale shall be applied in a like manner.
17 That any excess monies remaining after payment of approved costs shall be delivered
18 to the owner of said Property. Ownership shall be established to the satisfaction of this
19 court.

20 11. That Defendant CHRISTIAN A. RODRIGUEZ (also known as CHRISTIAN
21 ALBERTO RODRIGUEZ) and DOES 1 through 25, be ordered to immediately notify any
22 transferees, purchasers, commercial lessees, or other successors in interest to the
23 subject Property of the existence and application of any temporary restraining order,
24 preliminary injunction, or permanent injunction to all prospective transferees,
25 purchasers, commercial lessees, or other successors in interest, before entering into
26 any agreement to sell, lease or transfer the Property, for consideration or otherwise, all
27 or any portion of the Property that is the subject of this action.

28 12. That Defendant CHRISTIAN A. RODRIGUEZ (also known as CHRISTIAN

1 ALBERTO RODRIGUEZ) and DOES 1 through 25, be ordered to immediately give a
2 complete, legible copy of any temporary restraining order and preliminary and
3 permanent injunctions to all prospective transferees, purchasers, lessees, or other
4 successors in interest to the Property.

5 13. That Defendant CHRISTIAN A. RODRIGUEZ (also known as CHRISTIAN
6 ALBERTO RODRIGUEZ) and DOES 1 through 25, be ordered to immediately request
7 and procure signatures from all prospective transferees, purchasers, lessees, or other
8 successors in interest to the subject Property, which acknowledges his/her respective
9 receipt of a complete, legible copy of any temporary restraining order, preliminary and
10 permanent injunction, and deliver a copy of such acknowledgment to the Los Angeles
11 City Attorney's Office, c/o Deputy City Attorney Maria Aguillon or her designee.

12 14. That Plaintiff recover the costs of this action, including law enforcement
13 investigative costs and any fees, including attorneys' fees, authorized by law, not to
14 exceed \$500,000.00, from Defendants CHRISTIAN A. RODRIGUEZ (also known as
15 CHRISTIAN ALBERTO RODRIGUEZ) and DOES 1 through 25.

16 AS TO THE SECOND CAUSE OF ACTION

17 1. That the Property, together with the fixtures and moveable property
18 therein and thereon, be declared a public nuisance and be permanently abated as such
19 in accordance with Civil Code section 3491.

20 2. That each Defendant, including DOES 26 through 50, and their agents,
21 officers, employees and anyone acting on their behalf, and their heirs, successors and
22 assignees, be preliminarily and perpetually enjoined from operating, conducting, using,
23 occupying, or in any way permitting the use of the Property as a public nuisance. Such
24 orders should include, but not be limited to: a) an order that Defendants and all adult
25 Rodriguez family members permanently stay 1000 feet away from the Property; b) an
26 order that the Defendant CHRISTIAN A. RODRIGUEZ (also known as CHRISTIAN
27 ALBERTO RODRIGUEZ) and DOES 26 through 50 implement physical and managerial
28 improvements to the Property designed to prevent the nuisance on the Property,

1 including without limitation, installing and maintaining a video security system
2 accessible by LAPD via the internet; improving lighting; implementing screening and
3 application procedures for tenants; using of written leases and house rules for tenants;
4 prohibiting residents of the Property or their guests from operating any unlicensed or
5 unpermitted business at the Property; that Defendants and all adult Rodriguez family
6 members permanently stay 1000 feet away from the Property; and any such other
7 orders as are appropriate to remedy the nuisance on the Property and enhance the
8 abatement process.

9 3. That Plaintiff be awarded such costs as may occur in abating said
10 nuisance at the Property and such other costs as the Court may deem just and proper.

11 4. That Plaintiff be granted such other and further relief as the Court deems
12 just and proper, including closure and/or demolition of the Property.

13 AS TO THE THIRD CAUSE OF ACTION

14 1. That Defendant CHRISTIAN A. RODRIGUEZ (also known as CHRISTIAN
15 ALBERTO RODRIGUEZ) and DOES 51 through 75 be declared in violation of Business
16 and Professions Code section 17200.

17 2. That Defendant, CHRISTIAN A. RODRIGUEZ (also known as CHRISTIAN
18 ALBERTO RODRIGUEZ) and DOES 51 through 75, as well as their agents, heirs,
19 successors, and anyone acting on their behalf, be permanently enjoined from
20 maintaining, operating, or permitting any unlawful or unfair business acts or practices in
21 violation of Business and Professions Code section 17200.

22 3. That the Court grant a preliminary and/or permanent injunction prohibiting
23 Defendant CHRISTIAN A. RODRIGUEZ (also known as CHRISTIAN ALBERTO
24 RODRIGUEZ) and DOES 51 through 75, as well as their agents, heirs, successors, and
25 anyone acting on his, from engaging in the unlawful or unfair acts and/or practices
26 described herein at the Property and in the City of Los Angeles. Such orders should
27 include physical and managerial improvements to the Property.

28 4. That, pursuant to Business and Professions Code section 17206,

1 Defendant CHRISTIAN A. RODRIGUEZ (also known as CHRISTIAN ALBERTO
2 RODRIGUEZ) and DOES 51 through 75, be assessed a civil penalty of \$2,500 for each
3 and every act of unfair competition. Since Defendant CHRISTIAN A. RODRIGUEZ (also
4 known as CHRISTIAN ALBERTO RODRIGUEZ) and DOES 51 through 75, have
5 engaged in a continuing nuisance, each day constitutes an act of unfair competition and
6 Defendant CHRISTIAN A. RODRIGUEZ (also known as CHRISTIAN ALBERTO
7 RODRIGUEZ) and DOES 51 through 75, should be assessed a civil penalty not to
8 exceed \$3.65 million dollars.

9 5. That, pursuant to the Court's equitable power and Business and
10 Professions Code section 17203, the Court make such orders or judgments, including
11 appointment of a receiver, to eliminate the unfair competition alleged herein.

12 AS TO ALL CAUSES OF ACTION

13 1. That Plaintiff recover the amount of the filing fees and the amount of the
14 fee for the service of process or notices which would have been paid but for
15 Government Code section 6103.5, designating it as such. The fees may, at the Court's
16 discretion, include the amount of the fees for certifying and preparing transcripts.

17 2. That Plaintiff be granted such other and further relief as the Court deems
18 just and proper.

19 DATED: October 5, 2018

Respectfully submitted,
MICHAEL N. FEUER, City Attorney
JONATHAN CRISTALL, Managing Assistant City Attorney
LIRA FORMAN-ECHOLS, Asst. Superv. Deputy City Attorney

22
23 By: 

24 MARIA AGUILLON, Deputy City Attorney
25 Attorneys for Plaintiff, THE PEOPLE OF THE STATE
26 OF CALIFORNIA
27
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